

An Account of Some Particulars
 IN THE
TRIAL
 OF
Mr. Ed. Fitz Harris:

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In *Westminster-Hall*, June 9. 1681. Where he was
 Found Guilty of HIGH-TREASON.

Together with a Brief RELATION of the TRIAL of

Oliver Plunket

*The Popish-Primate of IRELAND, at the
 same Place, the day before: who was likewise
 found Guilty of HIGH-TREASON.*

THIS morning about Nine a Clock the Court sat, there being the four Judges of His Majesties Court of *Kings-Bench* present, and the Jury being impanell'd and Sworn, Mr. *Fitz-Harris* was soon after brought thither, and his Wife being in the Court, desired the favour to stand nigh her Husband, which was granted her: Then an Indictment of High-Treason was read against Mr. *Fitz-Harris*, for conspiring the Death of the King, and the over-throw of the Government, and stirring up His Majesties Subjects to Sedition and Rebellion, by contriving and publishing a Dangerous and Treasonable Libel.

Then the Witnesses were called, and Mr. *Edmund Everard* being first, gave a large and full Account of this Treasonable Design of Mr. *Fitz-Harris*, with several very considerable Circumstances, to demonstrate the reality of his Testimony.

Then Mr. *John Smith*, one of the Discoverers of the late horrid *Popish Plot*, was called, who confirmed what Mr. *Everard* had said, giving an Account how by Mr. *Everard's* means he was placed in a convenient Room, where he and Sir *William Waller* heard Mr. *Fitz-Harris* endeavour to perswade Mr. *Everard* to engage in several Treasonable Practices, and that a notorious Libel should be dispersed abroad, to raise a disturbance between the King and his People.

Sir *William Waller* was next called, and spake several things to the same purpose, and it did appear, That this Libel was to be disposed among His Majesties Protestant Subjects, that it might seem they intended to disturb the Government, and that these Papers being sent to them, soon after other Persons should have followed to have searched them, and before they had had time to discover them to a Magistrate, should have seized those Libels about them, and that these Gentlemen were to have been prosecuted as Authors or Dispersers of Treasonable Libels against His Majesty and the Government.

Sir *Philip Lloyd* was likewise called into Court, and two or three other. The Kings Witnesses having concluded their Evidence, and the Libel being read over in Court, and compared, and several Paragraphs of a very high and Treasonable nature, which were inserted into the Indictment, being remarkt; The Court were pleas'd to tell Mr. *Fitz-Harris*, That he had now Liberty to make the best Defence for himself, he could; and that he might have such Witnesses called as he desired; wh
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thereupon nominated first *Dr. Oates*, who accordingly appeared, and declared what he had to say, but not upon Oath no more than the rest, since it is not allowable in behalf the Prisoner; Then *Madam Wall*, who belongs to the Dutcheſs of *Portsmouth* was called, and *Mr. Fitz-Harris* asked her ſeveral questions about Two Hundred pound which he had received by Order from the Dutcheſs, *Mrs. Wall* ſaid, That if the Court deſired it, the Dutcheſs her ſelf would come thither, who thereupon Ordered, That ſhe ſhould appear, which ſhe did accordingly, in a very ſhort time; and it was alledged that the money given, was only upon the Account of Charity, and toward the relief of his Neceſſities. his Father having ſuffered very much in his Eſtate in the late Wars.

Collonel Manſell, *Mr. Sherriſ Bethel*, *Mr. Sherriſ Corniſh*, and divers others were likewise called into Court, and *Mr. Fitz-Harris* asked them ſeveral Questions.

The Lord *Howard of Eſſex*, was then called into Court, who ſpoke very largely to ſeveral things, and gave an Account that *Mr. Fitz Harris* had been with him divers times, and perſwaded him to come to Court, and that particularly *Mr. Fitz Harris* came to him the day before the late Lord Viſcount *Stafford* received his Sentence, and perſwaded him to give in his Opinion That the Lord *Stafford* was Not Guilty, which he told him would be very acceptable; But the Lord *Howard* was pleaſed to answer him to this purpoſe; *That if the neareſt Friend or Relation he had were ſo Guilty of High-Treſon as he judged the Lord Stafford to be, no man ſhould be more forward to bring him to Juſtice than himſelf.*

Then *Mr. Fitz-Harris* added ſome other things in his own Defence, which being ended, *Mr. Attorney General* firſt, and then *Sir George Jeffries* ſummed up the Evidence, ſhewing the notoriouſneſs of the Treſon whereot he was Guilty, and what a World of Miſeries theſe Practices might produce to the Nation, &c. After which the Judges pericularly gave their ſence of the Heinousneſs of the Crime; and that the Jury ſhould take ſpecial Care, that the Blood of the King and Kingdom ſhould not fall upon their Heads.

The Foreman of the Jury, then deſired, as we hear, to be informed by the Court whether they could ſafely give their Verdict in the Caſe of *Mr. Fitz-Harris*, ſince the late Houſe of Commons at *Oxford*, had paſſed a Vote, that he ought not to be Tryed, but before the Houſe of Peers in Parliament? The Court told them, they ought to take no Notice thereof, and that now they were by Oath obliged to determine the buſineſs before them, and that they ſhould have made this Objection before; And one of the Judges was pleaſed to ſay, That a Vote of the Commons had no more Obligation upon them then a Letter from the King, which they were not bound to take any notice of.

The Jury then Withdrew, and after about half an hours Conſultation among themſelves, they returned into Court, and being demanded whether they were agreed in their Verdict, they Answered, *Yes*; and that the Prisoner was Guilty of High-Treſon.

The Court then broke up, and *Mr. Fitz-Harris*, accompanied with his Wife, who was Extreemly concerned at her hard Fate, was Guarded back to the Tower by Water, and it is thought, will in a day or two receive his Sentence at the ſame place: together with *Oliver Plunket* the Popiſh Lord Primate of *Ireland*, who was Tryed there the day before for High Treſon, in Conſpiring the Death of the King, Introducing Popery, and delivering the Kingdom of *Ireland* to the French King, to which purpoſe he had received and paid ſeveral ſums of Money, and was to raiſe many Thouſands of *Irish*, who were to joyn with the French King, upon his Landing, and that an Haven was appointed to that purpoſe; There were five or ſix Witneſſes againſt him, who proved the Treſon poſitively upon him, and though he had all the liberty he could deſire to make his Defence, yet he had very little to ſay for himſelf, only he pretended that thoſe Witneſſes which he deſigned ſhould appear on his behalf were in *Ireland*.

But this Allegation was thought altogether Frivolous, by reaſon he has had ſo long time ſince he has been in *Newgate* to ſend for them over; ſo that upon the whole matter, after a very ſhort Conſultation, the Jury brought him in Guilty of High Treſon.

L O N D O N, Printed for Langley Curtiſs, on Ludgate-Hill. 1681.